

Appln. No. 10/795,970  
Amendment dated April 16, 2007  
Reply to Office Action mailed November 16, 2006

### **REMARKS**

Attorney for applicant has carefully reviewed the outstanding Office Action on the above-referenced application. Applicant has amended Claims 1, 4, 5, 7, 8, and 10, and has added new Claims 22-27. Claims 2, 3, and 13-21 have been canceled.

Applicant's attorney thanks the Examiner for the telephonic interview conducted on February 15, 2007 in connection with the present application. While no final conclusions concerning the allowability of the claims were reached during the interview, it did provide the applicant's attorney with an opportunity to present arguments in support of the patentability of the present invention. More particularly, applicant's attorney presented arguments directed to the following novel and unobvious features of the present invention: (1) a cover which includes opposing protrusions; (2) the hook and handle elements; and (3) a remote actuator.

During the interview, applicant's attorney discussed proposed amendments to the claims that would patentably distinguish the present invention over Latini U.S. Patent No. 5,356,385 (the Latini reference), which is the sole prior art reference relied upon by the Examiner in the present Office Action. As a result of the interview, applicant's attorney has amended the claims and drafted new claims, which are commensurate with the arguments and proposed amendments presented during the interview. Because the Examiner explained that the revised amendments raise new issues which would require a further search, a Request for Continued Examination (RCE) is being filed together with this Amendment.

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The Examiner objected to Claim 10 due to an informality. With the entry of this Amendment, Claim 10 has been amended in order to correct the objection.

Claims 1-6, 9, 10, 12, and 18-21 have been rejected under 35 U.S.C. 102(b) as being anticipated by the Latini reference. Claims 7, 8, and 11 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the Latini reference. Applicant's attorney respectfully traverses the foregoing claim rejections for the following reasons.

Amended Independent Claim 1

Amended independent Claim 1 now recites at least the following novel and unobvious feature: a cover including at least a pair of **opposing protrusions** for engagement with the at least one recess of the hub. The opposing protrusions of the cover cooperate with the linkage system to facilitate the disengagement of the cover from the hub.

While the Examiner argued that the Latini reference inherently discloses a cover with an annular projection, the Examiner agreed that the Latini reference does not disclose a cover which includes at least a pair of opposing protrusions. Because the bottom of the cover (i.e., where the cover attaches to the syringe) in the Latini reference does not cooperate with the gripper mechanism, it would be superfluous to modify the bottom of the cover of the Latini reference so as to include opposing protrusions.

In view of the distinctions discussed above, it is respectfully submitted that the safety syringe and cap holding device recited in amended independent Claim 1 is

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patentably distinguishable from the needle sheath holder disclosed in the Latini reference. Accordingly, amended independent Claim 1 is believed to be in condition for allowance. Because Claims 4-12 depend, directly or indirectly, from Claim 1, they are also believed to be in condition for allowance.

#### New Independent Claim 22

The present invention, as recited in independent Claim 22, relates to a safety syringe and cap holding device, which includes at least the following novel and unobvious feature: means for disengaging the cover which includes one or more hooks in the receptacle for engaging the one or more handles to move the one or more protrusions from the hub.

As discussed during the interview, there is no disclosure or suggestion in the Latini reference of one or more hooks for engaging the one or more handles to move the one or more protrusions from the hub. The blades (which the Examiner equates to as the hooks of the present invention) of the Latini reference merely engage and grasp the sheath. In view of the distinctions discussed above, it is respectfully submitted that the safety syringe and cap holding device recited in Claim 22 is patentably distinguishable from the needle sheath holder disclosed in the Latini reference. Accordingly, Claim 22 is believed to be in condition for allowance. Because Claims 23-25 depend, directly or indirectly, from Claim 22, they are also believed to be in condition for allowance.

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New Independent Claim 26

The present invention, as recited in independent Claim 26, relates to a safety syringe and cap holding device, which includes at least the following novel and unobvious feature: an actuator positioned **remotely** from the housing for actuating the cap holding device.

As discussed during the interview, there is no disclosure or suggestion in the Latini reference of an actuator positioned **remotely** from the housing for actuating the cap holding device. The release arm of the gripper mechanism disclosed in the Latini reference is integral with the housing. In view of the distinctions discussed above, it is respectfully submitted that the safety syringe and cap holding device recited in Claim 26 is patentably distinguishable from the needle sheath holder disclosed in the Latini reference. Accordingly, Claim 26 is believed to be in condition for allowance. Because Claim 27 depends directly from Claim 26, Claim 27 is also believed to be in condition for allowance.

In view of the foregoing amendments and remarks, applicant's attorney respectfully requests reexamination and allowance of pending Claims 1 and 4-12, and examination and allowance of new Claims 22-27. If such action cannot be taken, the Examiner is cordially invited to place a telephone call to applicant's attorney in order that any outstanding issue may be resolved without the issuance of a further Office Action.

Enclosed is a Petition for a two-month extension of time to and including April 16, 2007. Also enclosed is a Request for Continued Examination Transmittal Form which authorizes payment of the RCE filing fee. If there are any additional fees due as a result of

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this Amendment, including extension and petition fees, the Examiner is authorized to charge them to Deposit Account No. 503571.

Respectfully submitted,



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Michael R. Friscia  
Reg. No. 33,884  
McCarter & English, LLP  
Four Gateway Center  
100 Mulberry Street  
Newark, New Jersey 07102  
Tel. No. (973) 639-8493